**DOCKET NO.: ISIS-5213 Application No.: 10/601,242** 

Office Action Dated: May 17, 2005

This listing of claims will replace all prior versions, and listings, of claims in the application.

## **Listing of Claims:**

## 1-43. (canceled)

(currently amended) A method of treating an organism having a disease characterized 44. by the undesired production of a protein comprising contacting the organism with a compound comprising a plurality of units linked by covalent linkages in a sequence that is hybridizable to a complementary nucleic acid encoding the protein, wherein:

said units are selected from nucleosides and nucleobases:

said nucleosides are selected from α-nucleosides, β-nucleosides including 2'deoxy-erythro-pentofuranosyl \( \beta\)-nucleosides, 4'-thionucleosides, and carbocyclic-nucleosides; said nucleobases are selected from purin-9-yl and pyrimidin-1-yl heterocyclic bases;

said linkages are selected from charged 3'-5' phosphorous, neutral 3'-5' phosphorous, charged 2'-5' phosphorous, neutral 2'-5' phosphorous or non-phosphorous linkages; and

said sequence of linked units is divided into at least two regions, wherein:

a first of said regions includes said nucleobases linked by nonphosphorous linkages and nucleobases that are attached to phosphate linkages via non-sugar tethering groups, and nucleosides selected from said αnucleosides linked by charged and neutral 3'-5' phosphorous linkages, said αnucleosides linked by charged and neutral 2'-5' phosphorous linkages, said αnucleosides linked by non-phosphorous linkages, said 4'-thionucleosides linked by charged and neutral 3'-5' phosphorous linkages, said 4'-thionucleosides linked by charged and neutral 2'-5' phosphorous linkages, said 4'thionucleosides linked by non-phosphorous linkages, said carbocyclicnucleosides linked by charged and neutral 3'-5' phosphorous linkages, said carbocyclic-nucleosides linked by charged and neutral 2'-5' phosphorous linkages, said carbocyclic-nucleosides linked by non-phosphorous linkages,

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said \( \beta\)-nucleosides linked by charged and neutral 2'-5' linkages, and said \( \beta\)nucleosides linked by non-phosphorous linkages; and

a second of said regions includes said 2'-deoxy-erythro-pentofuranosyl β-nucleosides linked by charged 3'-5' phosphorous linkages having a negative charge at physiological pH

wherein the compound interferes with production of the protein.

- 45. (canceled)
- 46. (canceled)
- 47. (currently amended) A method of treating an organism having a disease characterized by the undesired production of a protein comprising contacting the organism with a compound of comprising a plurality of units linked by covalent linkages in a sequence that is hybridizable to a complementary nucleic acid encoding the protein, wherein:

said units are selected from nucleosides and nucleobases; said nucleosides are selected from α-nucleosides, β-nucleosides, 4'thionucleosides and carbocyclic-nucleosides;

said nucleobases are selected from purin-9-yl and pyrimidin-1-yl heterocyclic bases;

said linkages are selected from charged phosphorous, neutral phosphorous or non-phosphorous linkages; and

said sequence of linked units is divided into at least two regions, wherein:

a first of said regions includes said α-nucleosides linked by charged and neutral 3'-5' phosphorous linkages, said α-nucleosides linked by charged and neutral 2'-5' phosphorous linkages, said α-nucleosides linked by nonphosphorous linkages, said 4'-thionucleosides linked by charged and neutral 3'-5' phosphorous linkages, said 4'-thionucleosides linked by charged and neutral 2'-5' phosphorous linkages, said 4'-thionucleosides linked by nonphosphorous linkages, said carbocyclic-nucleosides linked by charged and neutral phosphorous linkages, said carbocyclic-nucleosides linked by non-

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phosphorous linkages, said β-nucleosides linked by charged and neutral 3'-5' linkages, said β-nucleosides linked by charged and neutral 2'-5' linkages, and said β-nucleosides linked by non-phosphorous linkages; and

a second of said regions including said nucleobases linked by nonphosphorous linkages and nucleobases that are attached to phosphate linkages via a non-sugar tethering moiety

wherein the compound interferes with production of the protein.

- 48. (canceled).
- 49. (currently amended) A method of treating an organism having a disease characterized by the undesired production of a protein comprising contacting said organism with an oligonucleotide having a sequence of nucleotides capable of specifically hybridizing to a strand of ribonucleic acid coding for said protein, where at least one of said nucleotides is functionalized to increase nuclease resistance of the oligonucleotide, where a plurality of the nucleotides have a substituent group located thereon to increase binding affinity of the oligonucleotide to a complementary strand of sequence-specific ribonucleic acid, and where a plurality of the nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, wherein the compound interferes with production of the protein.
- 50. (previously presented) The method of claim 49 wherein said substituent group for increasing binding affinity comprises a 2'-substituent group.
- 51. (previously presented) The method of claim 49 wherein said substituent group for increasing binding affinity comprises a 2'-substituent group that is fluoro, C1-C9 alkoxy, C1-C9 aminoalkoxy, allyloxy, imidazolealkoxy or poly(ethylene glycol).
- 52. (previously presented) The method of claim 49 wherein each of said nucleotides is a phosphorothioate or phosphorodithioate nucleotide.

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unit sub-sequence; and

53. (previously presented) The method of claim 49 wherein the 3' terminal nucleotide of said oligonucleotide includes a nuclease resistance modifying group on at least one of the 2'

or the 3' positions of said nucleotide.

54. (previously presented) The method of claim 49 wherein:

a plurality of said nucleotides bear substituent groups that increases binding affinity of said oligonucleotide to said sequence-specific ribonucleic acid, said substituent-bearing nucleotides being divided into a first nucleotide unit sub-sequence and a second nucleotide

said plurality of 2'-deoxy-erythro-pentofuranosyl nucleotides is positioned in said sequence of nucleotides between said first nucleotide unit sub-sequence and said second nucleotide unit sub-sequence.

55. (previously presented) The method of claim 49 wherein:

a plurality of said nucleotides bear substituent groups that increase binding affinity of said oligonucleotide to said complementary strand of nucleic acid; and

at least a portion of said substituent-bearing nucleotides are consecutively located at one of the 3' terminus or the 5' terminus of said oligonucleotide.

- 56. (previously presented) The method of claim 49 wherein at least five of said nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, said at least five 2'-deoxy-erythro-pentofuranosyl nucleotides being consecutively located in said sequence of nucleotides.
- 57. (previously presented) The method of claim 49 wherein from one to about eight of said nucleotides bear a substituent group that increases the binding affinity of said oligonucleotide to said complementary strand, said substituent-bearing nucleotides being consecutively located in said sequence of nucleotides.
- 58. (previously presented) The method of claim 49 wherein:

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from one to about eight of said nucleotides bear a substituent group for increasing the binding affinity of said oligonucleotide to said complementary strand, said substituent-bearing nucleotides being consecutively located in said sequence of nucleotides; and

at least five of said nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, said at least five 2'-deoxy-erythro-pentofuranosyl nucleotides being consecutively located in said sequence of nucleotides.

- 59. (currently amended) A method of concurrently enhancing hybridization and RNase H activation in an organism comprising contacting the organism with an oligonucleotide having a sequence of nucleotides capable of specifically hybridizing to a sequence-specific ribonucleic acid where at least one of said nucleotides is functionalized to increase nuclease resistance of the oligonucleotide, where a plurality of the nucleotides have a substituent group located thereon to increase binding affinity of the oligonucleotide to a complementary strand of sequence-specific ribonucleic acid, and where a plurality of the nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, wherein hybridization of the oligonucleotide to the sequence-specific ribonucleic acid and concomitant RNase H activation is enhanced.
- 60. (previously presented) The method of claim 59 wherein said substituent group for increasing binding affinity comprises a 2'-substituent group.
- 61. (previously presented) The method of claim 59 wherein said substituent group for increasing binding affinity comprises a 2'-substituent group that is fluoro, C1-C9 alkoxy, C1-C9 aminoalkoxy, allyloxy, imidazolealkoxy or poly(ethylene glycol).
- 62. (previously presented) The method of claim 59 wherein each of said nucleotides is a phosphorothioate or phosphorodithioate nucleotide.
- 63. (previously presented) The method of claim 59 wherein the 3' terminal nucleotide of said oligonucleotide includes a nuclease resistance modifying group on at least one of the 2' or the 3' positions of said nucleotide.

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64. (previously presented) The method of claim 59 wherein:

a plurality of said nucleotides bear substituent groups that increases binding affinity of said oligonucleotide to said sequence-specific ribonucleic acid, said substituent-bearing nucleotides being divided into a first nucleotide unit sub-sequence and a second nucleotide unit sub-sequence; and

said plurality of 2'-deoxy-erythro-pentofuranosyl nucleotides is positioned in said sequence of nucleotides between said first nucleotide unit sub-sequence and said second nucleotide unit sub-sequence.

65. (previously presented) The method of claim 59 wherein:

a plurality of said nucleotides bear substituent groups that increase binding affinity of said oligonucleotide to said complementary strand of nucleic acid; and

at least a portion of said substituent-bearing nucleotides are consecutively located at one of the 3' terminus or the 5' terminus of said oligonucleotide.

- 66. (previously presented) The method of claim 59 wherein at least five of said nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, said at least five 2'-deoxy-erythro-pentofuranosyl nucleotides being consecutively located in said sequence of nucleotides.
- 67. (previously presented) The method of claim 59 wherein from one to about eight of said nucleotides bear a substituent group that increases the binding affinity of said oligonucleotide to said complementary strand, said substituent-bearing nucleotides being consecutively located in said sequence of nucleotides.
- 68. (previously presented) The method of claim 59 wherein:

from one to about eight of said nucleotides bear a substituent group for increasing the binding affinity of said oligonucleotide to said complementary strand, said substituent-bearing nucleotides being consecutively located in said sequence of nucleotides; and

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at least five of said nucleotides have 2'-deoxy-erythro-pentofuranosyl sugar moieties, said at least five 2'-deoxy-erythro-pentofuranosyl nucleotides being consecutively located in said sequence of nucleotides.